

JUN 03 2004

Client Code: ENDONET.023CP3

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OFFICIAL

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
UNDER 37 C.F.R. §1.181 (a)**

First named inventor : Johnson, et al.
App. No. : 09/702,002
Filed : October 30, 2000
Title : METHOD AND DEVICE
FOR TREATING
GASTROESOPHAGEAL
REFLUX DISEASE
Examiner : Nikita R. Veniaminov

Group Art Unit: 3736

I hereby certify that this correspondence and all
marked attachments are being deposited with the
United States Postal Service as first-class mail in an
envelope addressed to: United States Patent and
Trademark Office, P.O. Box 2327, Arlington, VA
22202, on

March 17, 2003

(Date)


James W. Hill, M.D., Reg. No. 46,396

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

ATTN: Commissioner for Patents

This petition is filed in accordance with 37 C.F.R. §1.181 and in accordance with the Manual of
Patent Examining Procedure (MPEP), Chapter 711.03(c).

The above-identified application became abandoned for failure to file a timely a proper response
to the Office Action mailed on July 31, 2002, with the period set for response to expire after January 31,
2003. The abandonment date of this application is February 1, 2003.

Evidence in support of this Petition is provided in the accompanying documents: (a) a
Declaration of James W. Hill, M.D., executed March 14, 2003; (b) a copy of the Power of Attorney filed
April 12, 2001; and (c) a copy of the Notice Regarding Power of Attorney mailed August 3, 2001. These
items are filed herewith.

In accordance with *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the U.S. Patent and
Trademark Office ("PTO") should mail a new Office Action in view of the evidence presented in support
of the contention that the applicant's representative did not receive the original Office Action.

Applicant respectfully requests that: (a) this Petition To Withdraw Holding Of Abandonment
Based On Failure To Receive an Office Action Under 37 C.F.R. §1.181(a) be granted; (b) the PTO send
the Office Action to the attorneys of record: Knobbe, Martens, Olson & Bear, LLP; and (c) the period for
reply to the Office Action be restarted.

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While we believe that no fee is due for this petition, in the event that a fee is due, please charge to our Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/14/03

By: James W. Hill, M.D.

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